

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

District of

Division

Case No.

(to be filled in by the Clerk's Office)

8:22 CV 67

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2022 FEB 22 PM 3:29
OFFICE OF THE CLERK

ARTHUR (JA) GRIFFIN (JR)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

(DEPT) -v- DICTA D. O. CORRA
MICHAEL
OMAHA, Police MYERS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.



Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

ARTHUR-JAMES-GRIFFIN-JR)

(Joe)
1551891 #1636702DOUGLAS CEX DEPT. CORR
OMAHA NEB 68107
City State Zip Code**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

CITY-OF-OMAHA, Police-dept
COLOR-OF-LAWN/A
CITY-OF-OMAHA, DEPT.OMAHA NEB. 68102
City State Zip Code☐ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Job or Title (*if known*)

Shield Number

Employer

Address

MICHAEL-MYERS
DIRECTOR DEPT. CORR
CORR. OFFICER710 SO. 4TH STREET
DOUGLAS CEX, SHER. DEPT.
OMAHA NEB. 68106
City State Zip Code☐ Individual capacity☒ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☒ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Other (explain) MOTION TO: (QUASH).

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

OMAHA Police malice.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

DOUGLAS, DEPT. OF CORR. (See): Inmate
HANDBOOK page # 42: Earned Release -
Credit Removal Minimum Loss.

C. What date and approximate time did the events giving rise to your claim(s) occur?

1/27/21

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

(see) I am at
HANDBOOK page #100
HOUSING UNIT page #25 (E) (1)(7)
CONDUCT IN

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

MENTAL STRESS
(MENTAL AGONY)

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

COMPENSATORY
DAMAGES (PUNITIVE)
(OR)
TRIBLE DAMAGES

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

DOUGLAS, CTY DEPT. OF
CORR
10710th SO. 17th STREET OMAHA
NE 68107

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

(See) Inmate HANDBOOK pages
number (10) CONDUCT IN
HOUSING UNIT, AND Living
CONDITIONS.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

DOUGLAS CITY DEPT.
-OF-CORR: 710 SR 17th Street
OMAHA, NE: 68106

2. What did you claim in your grievance?

NO-CONTEST

3. What was the result, if any?

Pending

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

PRETRIAL-CONFERENCE
HEARING: 3/11/22



Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

MA

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

YES

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

28 U.S.C. § 2254 (State)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

ARTHUR-JAMES-GRIFFIN-JR
OMAHA, Police Dept.

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

#K1180918

4. Name of Judge assigned to your case

UNSURE

5. Approximate date of filing lawsuit

? UNSURE

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition.

3/11/22

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

PENDING CONFERENCE HEARING

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes
☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

ARTHUR-JAMES-GRIFFIN (PR)
 OMAHA police Dept.

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

~~UNSURE~~ [CR 21-3500]

4. Name of Judge assigned to your case

LeAnne Srb

5. Approximate date of filing lawsuit

1-20-22

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

(UNSURE)?

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

(malice) Plea No-contest

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

02/11/22

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

ARTHUR JAMES GRIFFIN (JR)
1636702
710 So 17th Street
OMAHA Neb 68107
City State Zip Code

B. For Attorneys

Date of signing:

TEXT ONLY: PH: 531-309-4923
E-mail: agriaffr65@gmail.com

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

DOUGLAS COUNTY DEPARTMENT OF CORRECTIONS
INMATE REQUEST FORM
FORMULARIO De SOLICITUD PARA RECLUSOS

To/Para: LAW-LIBRARY **Date/Fecha:** 02/08/22

(Print Name or Department/Escribir nombre o departamento con letra de imprenta)

From/De: AR to (To): GRIFFIN

(Print Name/Escribir nombre con letra de imprenta)

Inmate ID#/Presá ID# : 1551892

H/U: 11/24

BOTH COPIES NEED TO BE SUBMITTED FOR RESPONSES

(Deben Entregarse Ambas Copias Para Obtener Respuestas)

Request/Solicitud:

APPLICATION NO FOR
28 USC § 2241
PETITION FOR WRIT OF HABEAS CORPUS
WITHOUT PREPAYING FEES...
(SHORT FORM) ATTACHED

(Inmate Signature/Firma del recluso)

(Date/Fecha)

Reply/Respuesta:

28 USC § 2241 PETITION FOR A WRIT OF HABEAS CORPUS WITH AO239 APPLICATION TO PROCEED IN
DIST. CT. WITHOUT PREPAYING FEES... (SHORT FORM) ATTACHED.

NOTE: THE LAW LIBRARY DOES NOT REPRESENT THAT THESE INSTRUCTIONS AND FORMS WILL BE
APPROPRIATE IN EVERY CASE. ANY QUESTIONS YOU MAY HAVE REGARDING THE USE OF THE
INSTRUCTIONS AND FORMS SHOULD BE DIRECTED TO AN ATTORNEY.

2/10/2022

OSTWALD

8532

(Date/Fecha)

(Employee Printed Name/Nombre impreso del Empleado)(Employee Signature/Firma del empleado/Chit #/Recibo nro)

WHITE COPY: Inmate File

(Revised 7-2013)

DCC 7

YELLOW COPY: Inmate

Douglas County Department of Corrections
NOTIFICATION OF DISCIPLINARY HEARING

To: Griffin, Arthur 1551891 H/U & Room # 11-24
 Inmate Name: Last, First Data #
 From: Seaver Date: 2-10-22
 Case Management Sergeant

This will serve as notice that you are scheduled for a Disciplinary Hearing as a result of the Misconduct Report written on 2-9-22. In this report, you are named and accused of a minor / major misconduct violation as follows:

Fail to comply, Hindering
5-10 5-10

A hearing on this violation has been scheduled for 2-12, 12, 14 after 9:00 a.m. at which time you will be allowed to present your version of the incident.

vv I knowingly and voluntarily waive my presence at the hearing.

vv I knowingly and voluntarily waive my 24 hour notice of the hearing.

 Your segregated status has been reviewed by Case Management.

TS Substantial evidence exists that your status should be continued until your hearing.

Substantial evidence does not exist to justify your continued segregated status.

vv In lieu of a hearing and without admission of guilt, I knowingly agree to accept 10 day(s) with ___ day(s) credit. I understand that by accepting these terms no hearing will take place and the number of days indicated will be served without further action or notice to me. I understand that if I do not accept these terms, a hearing will take place.

In no way does the signing of this form imply guilt to the above stated violation(s).

I hereby acknowledge receipt of this notification of a disciplinary hearing. I further affirm that no threats, coercion or promises have been made to obtain my signature. I understand that any waivers initialed above will not influence the disposition of the hearing, except as indicated by me on this form.

Wanda
 Inmate Signature

[Signature]
 Correctional Officer Signature

DATE: 2-10-22 TIME: 0900 this notification was delivered.

Distribution: White: Hearing Board Canary: Inmate
 02/20/2013

DCC 80

RECEIVED

FEB 22 2022

CLERK
 U.S. DISTRICT COURT

Art H... James Griffin (JR)

Printed Name

(1551891) (1124)

Data # Module #

Douglas County

DEPARTMENT OF CORRECTIONS

710 SOUTH 17TH STREET

OMAHA, NEBRASKA 68102

Legal-mail

RECEIVED

FEB 22 2022

U.S. DISTRICT COURT



~~#1132~~
HILLNOT U.S. DIST. CRT. CLERK

1110 S. 18th PLAZA
OMAHA, NEB 68102

LEGAL-MAIL



THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT 

© USPS 2019